APPENDIX J

[Filed Aug. 26, 2004]

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CLIFTON MAXWELL,	No. 02-55143
Petitioner - Appellant,	D.C. No. CV-01-00131-VAP(RZ) Central District of California Riverside
v.	
ERNIE ROE, WARDEN,	
Respondent - Appellee.	ORDER

Before: HUG, B. FLETCHER, and WARDLAW, Circuit Judges.

The panel, as constituted above, has unanimously voted to deny appellee's petition for rehearing. Judge Wardlaw has voted to reject the suggestion for rehearing en banc, and Judge Hug and Judge Fletcher recommend rejection of the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing is denied and the suggestion for rehearing en banc is rejected.